

DECLARATION AND ORIGINAL APPEAL
JAN 08 2002
named inventor
PATENT & TRADEMARK OFFICE

89D-45 3

My residence, post office address, and citizenship are as stated below next to my name,

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BETA-HYDROXYALKLYAMIDES, PROCESS FOR THEIR PRODUCTION AND THEIR USE the specification of which

X was filed on July 20, 2001
as U.S. Serial No. 09/909,573
and was amended on _____

_____ was filed on _____
as PCT Int'l Application No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

X and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent; and

— if this is a continuation-in-part application, information that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application, in accordance with 37 CFR 1.63(e); and

in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>100 53 194.6</u>	<u>Germany</u>	<u>29 October 2000</u>	<u>X</u>	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u> </u>	<u> </u>	<u> </u>
(Appln. Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u> </u>	<u> </u>	<u> </u>
(Appln. Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith with full power of substitution and revocation: Phillip S. Oberlin, Reg. No. 19,066; D. Edward Dolgorukov, Reg. No. 26,266; Donald A. Schurr, Reg. No. 34,247; Mark A. Hixon, Reg. No. 44,766; Stephen P. Evans, Reg. No. 47,281 and Angelica Colwell, Reg. No. 46,637. Address all telephone calls to D. Edward Dolgorukov at telephone number (419) 249-7146. Address all correspondence to MARSHALL & MELHORN, LLC, Four Seagate - 8th Floor, Toledo, Ohio 43604, Attention: D. Edward Dolgorukov.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor ANDREAS KAPLAN

Inventor's signature ✓ *Andreas Kaplan* Date ✓ 15 October 2001

Residence Wiesentalstrasse 29, CH-7000 Chur, Switzerland

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Full name of second joint inventor, if any RENÉ GISLER

Second Inventor's signature ✓ *R. Gisl* Date ✓ 15.10.01

Residence Suesswinkelgasse 20, CH-7000 Chur, Switzerland

Citizenship Swiss Post Office Address same as above

Full name of third joint inventor, if any _____

Third Inventor's signature _____ Date _____

Residence _____

Citizenship _____ Post Office Address _____

Full name of fourth joint inventor, if any _____

Fourth Inventor's signature _____ Date _____

Residence _____

Citizenship _____ Post Office Address _____